



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

ANTICIPATORY BAIL APPLICATION NO. 179 OF 2024

Ajay s/o Chandraprakash Baheti,
Age 50 yrs., Occu. Director of
M/s. India Megha Agro Anaj Ltd.,
R/o. Plot No. D-3, D-3/1, Krushnoor
MIDC, Tq. Naigaon, Dist. Nanded.

...Applicant.

Versus

1. The State of Maharashtra,
Through Police Station, Kuntoor,
Tq. Naigaon, District Nanded.
2. The Superintendent of Police,
Nanded, District Nanded.

...Respondents.

...
Mr. V.D. Sapkal, Senior Advocate i/b. Advocates Mr. G.K. Naik-Thigle a/w.
Mr. Y.A. Jadhav.
Mr. N.B. Patil, APP for respondent Nos. 1 and 2.
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 25/04/2025

ORDER :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No.166/2023 dated 18.09.2023 registered with Kuntur Police Station, Tq. Naigaon, District Nanded, for the offences punishable under sections 420, 406, 409, 506 r/w. 34 of the Indian Penal Code, 1860.
3. This Court vide order dated 2.2.2024 has granted interim protection to the applicant. Vide order dated 17.2.2025, this Court at para 3 to 7 has observed as under :-

"3] The learned counsel for the applicant submits that the case pertains to the period between 01.02.2021 to

31.12.2021 and the FIR is registered on 18.09.2023. It is also stated that the applicant was in custody in another crime from 01.01.2018 to 07.07.2022 for an offence punishable under Sections 420, 406, 467, 468, 471, 477-A and 120-B of I.P.C. and under Section 3 and 4 of the Prevention of Money Laundering Act, 2002. It was stated in that FIR that the applicant has mis-utilized the grains and defrauded the Food Corporation of India. The applicant was released on bail by order dated 07.07.2022 passed by the Bombay High Court, Bench at Nagpur by prima-facie holding that there is reasonable ground to believe that the applicant is not guilty of the said offences and there is a reasonable ground to believe that applicant is not likely to commit any such offence in future as required under the PMLA Act and was granted bail. The said order was challenged before the Supreme Court and the SLP was also dismissed.

4] The learned counsel for the applicant submits that although the applicant was in jail from 01.01.2018 till 07.07.2022, no offence was registered against the applicant during the above period, although, it is alleged that the present offence has been taken place in the year 2021. The learned counsel submits that although the trial is still pending for the offence in which bail was granted to the applicant, in the present F.I.R. it is alleged that the applicant has defrauded the agriculturist. It is also stated that the applicant has cheated the farmers by not paying them. The learned counsel for the applicant has also produced the list of various farmers to whom the applicant has made payment to the tune of Rs.66,20,88,771/- and the outstanding amount due is Rs.16,82,71,981/-. He submits that while he was in jail, the factory was not functioning and as such there was outstanding dues. He also submits that when the matter was proceeded before NCLT, nobody represented the farmers cause. It is stated that the applicant represented the case of the farmers before the NCLT and now the order has been passed by accepting the resolution and amount of Rs.8,41,35,991/- is approved for disbursement to the farmers out of the sale proceeds of the assets of the company.

5] The learned counsel for the applicant submits that there is no criminality involved. He also submits that the case is not bonafide and that the FIR was registered against

the applicant only when the applicant was released on bail, after remaining in custody for 3 to 4 years. Considering this aspect of the matter, the applicant has made out prima facie case for grant of anticipatory bail in the present anticipatory bail application.

6] The learned counsel submits that this Court has granted interim protection to the applicant by order dated 02.02.2024. The applicant was directed to attend the concerned police station as and when required. The learned counsel for the applicant submits that the applicant has attended the concerned police station and cooperated with the investigation. He therefore prays to confirm the interim protection granted earlier.

7] The learned APP seeks time to take instructions. On his request, list this matter on 25.02.2025. Interim relief to continue till then."

4. By order dated 18.03.2025, it was clarified that the total period undergone in custody by the applicant is 20 months and not 3 to 4 years as noted above.

5. It is stated that the applicant has made various transactions with the agriculturists and has made payment to the tune of Rs. 66,20,88,771/- and the outstanding amount due is Rs. 16,82,71,981/-. It is stated that while he was in jail, the factory was not functioning and as such there was outstanding dues. It is stated that when the matter was proceeded before NCLT, the applicant himself represented the case of the farmers before the NCLT. The learned APP submits that the applicant has taken agricultural produces from the agriculturists and not paid for the same to the tune of Rs.16,82,71,981/- and thus, he has cheated the agriculturists.

6. Considering that the applicant was in jail for long period of time under Prevention of Money Laundering Act, 2002 ('PMLA Act' for short) and considering that in the said PMLA proceedings, the applicant has been

granted bail and the applicant faced losses in business, it cannot be said that the applicant intended to defraud the farmers. Thus, the applicant is prima facie not involved in the present crime. At best, it can be said that the applicant's company has gone in losses and that there was no intention of the applicant either to cheat or there is any breach of trust. In view of the above, the interim protection granted on 2.2.2024 and thereafter extended by this Court from time to time needs to be confirmed.

7. In view of the above, the application is allowed and the interim protection granted on 2.2.2024 is confirmed on the following terms :

i] The applicant shall attend the police station as and when required.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

8. In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

9. It is also clarified that the observations made in this order are limited for the disposal of the present anticipatory bail application and the trial Court shall not be influenced by the observations made hereinabove.

10. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/